

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SABRINA KLAPPHOLZ, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

STACY KLAPPHOLZ,

Respondent-Appellant.

UNPUBLISHED

January 23, 2007

No. 269984

Macomb Circuit Court

Family Division

LC No. 05-059386-NA

In the Matter of JUSTIN KLAPPHOLZ, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

STACY KLAPPHOLZ,

Respondent-Appellant.

No. 269985

Macomb Circuit Court

Family Division

LC No. 05-059387-NA

In the Matter of JENNIFER KLAPPHOLZ, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

STACY KLAPPHOLZ,

Respondent-Appellant.

No. 269986

Macomb Circuit Court

Family Division

LC No. 05-059388-NA

Before: Donofrio, P.J., and Bandstra and Zahra, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(ii), (g), and (j). We affirm.

Respondent first argues that the trial court clearly erred in exercising its jurisdiction because the statutory grounds alleged in the petition were not supported by a preponderance of the evidence. However, respondent may not raise this issue on appeal from the order terminating her parental rights. MCR 3.993(A); *In re Hatcher*, 443 Mich 426, 439-440; 505 NW2d 834 (1993); *In re Gazella*, 264 Mich App 668, 679-680; 692 NW2d 708 (2005). Moreover, the trial court did not clearly err in exercising its jurisdiction after finding that the grounds alleged in the petition were proven by a preponderance of the evidence. *In re BZ*, 264 Mich App 286, 295; 690 NW2d 505 (2004). Respondent placed her children in an unfit home, and in “substantial risk of harm” to their mental and physical well-being, by living with them in the home of her brother, a pedophile who had abused respondent as a child and with whom she continued an incestuous relationship.

Next, we conclude that the trial court did not clearly err in finding clear and convincing evidence to support the statutory grounds for termination. MCR 3.977(J); *In re Hatcher, supra*; *In re Gazella, supra*. The evidence clearly showed that respondent had the opportunity to prevent the sexual abuse of her daughter. Respondent kept secret from everyone, including her husband, the fact that her brother had sexually abused her from childhood. She moved her family into her brother’s home. She then permitted the incestuous relationship to start again and continue for over four years while subjecting her children to the sexual abuse of a pedophile. All of the psychologists testified that respondent would need long-term therapy to deal with her own psychological problems before her children might be safe in her care. Respondent’s complaint that she was not provided with a parent/agency agreement or the opportunity to resolve her issues and work toward reunification is without merit. Efforts toward reunification are not required where the parent has subjected the child or a sibling of the child to an unreasonable risk of harm of being victimized by criminal sexual conduct involving penetration. MCL 712A.19a(2)(a); MCL 722.638(2).

Finally, on review of the whole record, we conclude that the trial court did not clearly err in finding that termination of respondent’s parental rights was in the best interests of the children. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-355; 612 NW2d 407 (2000).

Affirmed.

/s/ Pat M. Donofrio
/s/ Richard A. Bandstra
/s/ Brian K. Zahra